

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

KEVIN VARGAS,
Plaintiff

v.

BENNINGTON VT POLICE
DEPARTMENT and VERMONT
DRUG TASK FORCE,
Defendants

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File No. 1:07-CV-84

ORDER

The Magistrate Judge's Report and Recommendation was filed September 26, 2007. (Paper 11.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Plaintiff's motion to dismiss complaint (Paper 10) is construed as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) and the case is DISMISSED without prejudice.

Plaintiff's motion for appointment of counsel (Paper 5) and the motion to dismiss filed by Vermont Drug Task Force (Paper 9) are DENIED as moot.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 24th day of October, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge